

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: **OGILVY RENAULT LLP/S.E.N.C.R.L.,S.R.L.**  
**1600 - 1981 McGill College Avenue**  
**MONTREAL, Quebec**  
**Canada, H3A 3C1**

## PCT

NOTIFICATION OF TRANSMITTAL OF  
 THE INTERNATIONAL SEARCH REPORT AND  
 THE WRITTEN OPINION OF THE INTERNATIONAL  
 SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing **15 August 2005 (15-08-2005)**  
 (day/month/year)

Applicant's or agent's file reference  
**16908-1PCT**

**FOR FURTHER ACTION** See paragraphs 1 and 4 below

International application No.  
**PCT/CA2005/000519**

International filing date **06 April 2005 (06-04-2005)**  
 (day/month/year)

Applicant  
**PLANTE, REJEAN**

**DUE ON OCT 15 2005**  
*Amendment*

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19 :**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46) :

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35

**For more detailed instructions,** see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that :

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for the international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/CA  
 Canadian Intellectual Property Office  
 Place du Portage I, C114 - 1st Floor, Box PCT  
 50 Victoria Street  
 Gatineau, Quebec K1A 0C9  
 Facsimile No.: 001(819)953-2476

Authorized officer  
**Maureen Matheson (819) 953-1495**

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

**When?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

**How?** Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

**The amendments must be made in the language in which the international application is to be published.**

#### What documents must/may accompany the amendments?

##### Letter (Section 205(b)) :

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

**The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.**

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter :

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

**It must be in the language in which the international application is to be published.**

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis.1(c)).

### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.

**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL SEARCH REPORT**  
(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>16908-1PCT</b>	<b>FOR FURTHER ACTION</b> <div style="float: right; font-size: small;"> see Form PCT/ISA/220  as well as, where applicable, item 5 below </div>	
International application No. <b>PCT/CA2005/000519</b>	International filing date ( <i>day/month/year</i> ) 06 April 2005 (06-04-2005)	(Earliest) Priority date ( <i>day/month/year</i> ) 06 April 2004 (06-04-2004)
Applicant <b>PLANTE, REJEAN</b>		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 7 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of:

☒ the international application in the language in which it was filed

☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I

2. ☐ **Certain claims were found unsearchable** (see Box No. II)

3. ☒ **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant

☐ the text has been established by this Authority to read as follows :

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 6b

☐ as suggested by the applicant

☐ as selected by this Authority, because the applicant failed to suggest a figure

☒ as selected by this Authority, because this figure better characterizes the invention

b. ☐ none of the figures is to be published with the abstract



**Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of the first sheet)**

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons :

1. ☐ Claim Nos. :

because they relate to subject matter not required to be searched by this Authority, namely :

2. ☐ Claim Nos. :

because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically :

3. ☐ Claim Nos. :

because they are dependant claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows :

[See supplemental sheet]

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.

2. ☐ As all searchable claims could be searched without effort justifying additional fees, this Authority did not invite payment of additional fees.

3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claim Nos. :

4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claim Nos. : 1-15 and 27

**Remark on Protest** ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.

☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.

☐ No protest accompanied the payment of additional search fees.

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/CA2005/000519A. CLASSIFICATION OF SUBJECT MATTER  
IPC(7): E04F 15/00, E04C 2/30

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC(7): E04F-15/00, 02, 10, 14, 18, 22; E04C-2/30

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic database(s) consulted during the international search (name of database(s) and, where practicable, search terms used)

Canadian Patent Database; Delphion (filler, elastomer, resilient, seal, expansion, joint, local, contraction)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, X P, Y	WO 2004/081316 A1 (SJOBERG et al.) 23 September 2004 (23-09-2004) *page 7, line 16 to page 9, line 29*	1-3, 5, 6, 12-15, 27 4
X Y	CA 1,251,315 (SCHNEIDER) 21 March 1989 (21-03-1989) *page 8, line 17 to page 9, line 25*	1-3, 5, 6 4, 12-15, 27
X	US 3,742,669 (MANSFELD) 3 July 1973 (03-07-1973) *column 2, line 44 to column 3, line 11*	1, 3, 5
X	CA 1,125,984 (MARINO) 22 June 1982 (22-06-1982) *page 3, lines 16-21 and 28-33* *page 5, lines 19-36* *page 6, lines 11-16*	1,5
Y	CA 1,228,462 (HAID) 27 October 1987 (27-10-1987) *page 9, lines 2-15* *figure 6*	4

☒ Further documents are listed in the continuation of Box C.☐ See patent family annex.

\* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier application or patent but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- "&" document member of the same patent family

Date of the actual completion of the international search

13 July 2005 (13-07-2005)

Date of mailing of the international search report

15 August 2005 (15-08-2005)

Name and mailing address of the ISA/CA  
Canadian Intellectual Property Office  
Place du Portage I, C114 - 1st Floor, Box PCT  
50 Victoria Street  
Gatineau, Quebec K1A 0C9  
Facsimile No.: 001(819)953-2476

Authorized officer

Patrick Cyr (819) 953-1304

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/CA2005/000519

## C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	CA 2,226,286 (MORIAU et al.) 18 December 1997 (18-12-1997) *page 12, line 23 to page 14, line 18* *figures 5-8*	12-15, 27
A	CA 2,330,702 A1 (DELVIN) 4 November 1999 (04-11-1999) *whole document*	1-15, 27
P,A	US 2005/0066600 A1 (MOULTON et al.) 31 March 2005 (31-03-2005) *whole document*	1-15, 27
A	EP 0445341 A1 (FROEHLICH et al.) 11 September 1991 (11-09-1991) *whole document*	1-15, 27

**INTERNATIONAL SEARCH REPORT**  
Information on patent family members

International application No.  
PCT/CA2005/000519

Patent Document Cited in Search Report	Publication Date	Patent Family Member(s)	Publication Date
WO 2004/081316 A1	23-09-2004	US20040182036 A1 SE0300642 A0	23-09-2004 11-03-2003
CA1251315 A1	21-03-1989	US4644720 A	24-02-1987
US3742669 A	03-07-1973	AT315454B B BE780327 A1 CH548502 A DE2111324 A1 FR2128721 A5 GB1368026 A IT950017 B NL7203117 A	27-05-1974 03-07-1972 30-04-1974 02-11-1972 20-10-1972 25-09-1974 20-06-1973 12-09-1972
CA1125984 A1	22-06-1982	CH660325 A5 DE3224670 A1 EP0020689 A1 US4360992 A US4512840 A WO8001089 A1	15-04-1987 27-01-1983 07-01-1981 30-11-1982 23-04-1985 29-05-1980
CA1228462 A1	27-10-1987	AT40912T T DE3476827D D1 DK149498B B EP0121915 A2 IT1177648 B US4599841 A	15-03-1989 30-03-1989 30-06-1986 17-10-1984 26-08-1987 15-07-1986
CA2226286 A1	18-12-1997	AT5566U U1 AT196790T T AT219812T T AT246760T T AU713628 B2 AU3256997 A BE1010339 A3 BE1010487 A6 BG62216 B1 BG102230 A BR9702325 A CA2475076 A1 CN1087056C C CN1195141C C CN1572993 A CZ9800391 A3 DE1024234T T1 DE1026341T T1 DE02076363T T1 DE29710175U U1 DE29724428U U1 DE29724742U U1 DE29724868U U1 DE29724876U U1 DE29724883U U1 DE69703230D D1 DE69703230T T2 DE69713629D D1 DE69713629T T2 DE69724013D D1 DE69724013T T2	26-08-2002 15-10-2000 15-07-2002 15-08-2003 09-12-1999 07-01-1998 02-06-1998 06-10-1998 31-05-1999 30-09-1998 09-03-1999 18-12-1997 03-07-2002 30-03-2005 02-02-2005 12-08-1998 06-09-2001 05-07-2001 30-09-2004 14-08-1997 05-04-2001 03-07-2003 13-01-2005 27-01-2005 07-04-2005 09-11-2000 01-03-2001 01-08-2002 06-02-2003 11-09-2003 09-06-2004

[See supplemental sheet]



Supplemental sheet: Continuation of Page 5 (Information on patent family members)

		DK843763T T3	29-01-2001
		DK1024234T T3	14-10-2002
		DK1026341T T3	24-11-2003
		EG21186 A	31-12-2000
		EP0843763 A1	27-05-1998
		EP1024234 A2	02-08-2000
		EP1026341 A2	09-08-2000
		EP1223267 A2	17-07-2002
		EP1338721 A2	27-08-2003
		EP1541778 A1	15-06-2005
		EP1541779 A1	15-06-2005
		ES2152679T T3	01-02-2001
		ES2153799T T1	16-03-2001
		ES2153800T T1	16-03-2001
		ES2220244T T1	16-12-2004
		GR3034933T T3	28-02-2001
		HK1016234 A1	22-11-2002
		HU9901996 A2	28-10-1999
		ID17097 A	04-12-1997
		JP11510869T T	21-09-1999
		MA24198 A1	31-12-1997
		NO314192B B1	10-02-2003
		NO20016048 A	10-02-1998
		NZ329581 A	28-02-2000
		PL324923 A1	22-06-1998
		PT843763T T	30-03-2001
		PT1024234T T	29-11-2002
		PT1026341T T	31-12-2003
		RO119641 B1	28-01-2005
		RU2200809 C2	20-03-2003
		SI9720009 A	31-08-1998
		SK16398 A3	09-09-1998
		TR9800209T T1	22-06-1998
		US6006486 A	28-12-1999
		US6490836 B1	10-12-2002
		US6874292 B2	05-04-2005
		US2003024200 A1	06-02-2003
		US2003029115 A1	13-02-2003
		US2003029116 A1	13-02-2003
		US2003029117 A1	13-02-2003
		WO9747834 A1	18-12-1997
		ZA9705060 A	16-04-1998
CA2330702 A1	04-11-1999	AU748628 B2	06-06-2002
		AU3434499 A	16-11-1999
		EP1075576 A1	14-02-2001
		GB0026221D D0	13-12-2000
		GB9808902D D0	24-06-1998
		US6574933 B1	10-06-2003
		WO9955986 A1	04-11-1999
US2005/0066600 A1	31-03-2005	WO05031078 A2	07-04-2005
EP0445341 A1	11-09-1991	AT82609T T	15-12-1992
		DE59000487D D1	24-12-1992

Supplemental sheet: Continuation of Box No. III (Unity of invention)

Claims 1-15 and 27 are directed to a flooring system comprising a number of flooring members installed next to each other so as to define a gap and a compressible/extensible sealing filler provided in said gap.

Claims 16-22 are directed to a floor plank adapted to be laid in a side-by-side relationship with similar floor planks, said floor plank comprising an internal expansion/contraction accommodation means, said internal expansion/contraction accommodation means comprising at least one top groove defined in an exposed top surface of said floor plank.

Claims 23-26 are directed to a flooring member adapted to be laid in a side-by-side relationship with similar floor planks, said flooring member having a bottom surface, a series of grooves defined in said bottom surface, and wherein at least one of said grooves is filled with a filling material having adhesive properties.

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

**DUE ON FEB 06 2006**

*Reply to:*

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

OGILVY RENAULT LLP/S.E.N.C.R.L.,S.R.L.  
1600 - 1981 McGill College Avenue  
MONTREAL, Quebec  
Canada, H3A 3C1

Date of mailing 15 August 2005 (15-08-2005)  
(day/month/year)

Applicant's or agent's file reference  
16908-1PCT

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.

**PCT/CA2005/000519**

International filing date (day/month/year)

06 April 2005 (06-04-2005)

Priority date (day/month/year)

06 April 2004 (06-04-2004)

International Patent Classification (IPC) or both national classification and IPC  
IPC(7): E04F 15/00, E04C 2/30

Applicant

PLANTE, REJEAN

1. This opinion contains indications relating to the following items :

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input checked="" type="checkbox"/> | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input checked="" type="checkbox"/> | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application  |

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/CA  
Canadian Intellectual Property Office  
Place du Portage I, C114 - 1st Floor, Box PCT  
50 Victoria Street  
Gatineau, Quebec K1A 0C9  
Facsimile No.: 001(819)953-2476

Date of completion of this opinion

20 July 2005 (20-07-05)

Authorized officer

Patrick Cyr (819) 953-1304

**Box No. I**      **Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

☒ the international application in the language in which it was filed

☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ on paper

☐ in electronic form

c. time of filing/furnishing

☐ contained in the international application as filed.

☐ filed together with the international application in electronic form

☐ furnished subsequently to this Authority for the purposes of search.

3 ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statement that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments :

Box No. II

Priority

1. ☐ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary :

The priority document has been found to provide support for the claims in the instant application.



Box No. IV      Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has, within the applicable time limit :

☐ paid additional fees

☐ paid additional fees under protest and, where applicable, the protest fee

☐ paid additional fees under protest but the applicable protest fee was not paid

☒ not paid additional fees

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

☐ complied with

☒ not complied with for the following reasons :

Claims 1-15 and 27 are directed to a flooring system comprising a number of flooring members installed next to each other so as to define a gap and a compressible/extensible sealing filler provided in said gap.

Claims 16-22 are directed to a floor plank adapted to be laid in a side-by-side relationship with similar floor planks, said floor plank comprising an internal expansion/contraction accommodation means, said internal expansion/contraction accommodation means comprising at least one top groove defined in an exposed top surface of said floor plank.

Claims 23-26 are directed to a flooring member adapted to be laid in a side-by-side relationship with similar floor planks, said flooring member having a bottom surface, a series of grooves defined in said bottom surface, and wherein at least one of said grooves is filled with a filling material having adhesive properties.

4. Consequently, this opinion has been established in respect of the following parts of the international application :

☐ all parts

☒ the parts relating to claim Nos.      1-15 and 27

**Box No. V**      **Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	<u>4, 7-15, 27</u>	YES
	Claims	<u>1-3, 5, 6</u>	NO
Inventive step (IS)	Claims	<u>7-11</u>	YES
	Claims	<u>1-6, 12-15, 27</u>	NO
Industrial applicability (IA)	Claims	<u>1-15, 27</u>	YES
	Claims	<u>NONE</u>	NO

**2. Citations and explanations :**

The following documents have been considered for the purpose of this report:

D1: CA 1,251,315 (SCHNEIDER) 21 March 1989 (21-03-1989)  
D2: US 3,742,669 (MANSFELD) 3 July 1973 (03-07-1973)  
D3: CA 1,125,984 (MARINO) 22 June 1982 (22-06-1982)  
D4: CA 1,228,462 (HAID) 27 October 1987 (27-10-1987)  
D5: CA 2,226,286 (MORIAU et al.) 18 December 1997 (18-12-1997)

**Novelty (N):**

**D1** teaches the subject matter of **claims 1-3, 5 and 6**; specifically, **D1** teaches a flooring system comprising: a number of flooring members (20) installed next to each other in a coplanar relationship so as to define an open top inter-member gap (36) between each adjacent pairs of flooring members; a compressible/extensible sealing filler (38) in said open top inter-member gap, said sealing filler being visible and accessible from above; and a stopper (34,28) in said open top inter-member gap below said sealing filler to prevent excessive compression thereof as a result of an expansion of said flooring members, wherein said flooring members have respective top surfaces (40) defining a floor surface, and wherein said sealing filler and said open top inter-member gap cooperate together to define a concavity (fig.5) so that dust and sand on said floor surface can be pushed in said concavity to prevent scratching of said floor surface.

Similarly, **D2** teaches the subject matter of **claims 1, 3 and 5**; and **D3** teaches the subject matter of **claims 1 and 5**.

Therefore, **claims 1-3, 5 and 6** are not novel and do not comply with **Article 33(2)** of the PCT.

**Inventive Step (IS):**

**Claim 4** does not comply with **Article 33(3)** of the PCT. **D4** teaches a flooring system wherein longitudinal grooves are defined in the opposed facing sides of adjacent flooring members, and wherein a T-shaped spline is engaged with said longitudinal grooves to bridge each pair of adjacent flooring members, said T-shaped spline having a stem extending vertically in an open top inter-member gap, said stem acting as a stopper to limit the expansion of the flooring members into the open top inter-member gap (figure 6; page 9, lines 2-15). It would be obvious to a person skilled in the art to use the spline and groove combination taught by **D4** with the flooring system taught by **D1** in order to obtain the subject matter of claim 4.

[See supplemental box]

**Box No. VIII**      **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made :

The description does not comply with PCT Article 5. A statement in an application, such as found on page 7, lines 1-2, which incorporated by reference any other document, does not fully describe the invention. The description shall be complete in and of itself. A person skilled in the art should be able to understand the patent specification without reference to any other document.

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Continuation of:      Box No. V

**Claims 12-15 and 27** do not comply with **Article 33(3)** of the PCT. **D5** teaches a floating interlocking joint between adjacent flooring members, said floating interlocking joint comprising a locking key extending from one side of a first flooring member and engageable with a complementary locking groove provided in an opposed facing side of a second flooring member, said locking groove has a locking tab projection, and a play is defined between the locking key and an end wall of the locking groove (page 12, line 23 to page 14, line 18 and figures 5-8). It would be obvious to a person skilled in the art to provide the sealing filler taught by **D1** between the flooring members taught by **D5** in order to obtain the subject matter of claims 12-15 and 27; specifically, if a sealing filler were present between the flooring members of **D5**, the play defined between the locking key and end wall of the locking groove would ultimately provide the locking key with a limited freedom of movement within the locking groove in a direction perpendicular to said opposed facing sides to accommodate expansion and contraction movements of the flooring members.

Industrial Applicability (IA):

The subject matter of **claims 1-15 and 27** is considered to be industrially applicable and thus fulfills the requirements **Article 33(4)** of the PCT.